IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1104 OF 2005
IN
SECOND APPEAL NO.31 of 2005

Shri. Ashok Ambada Gangane ...Applicant

V/s.

Pune Municipal Corporation & Anr. ...Respondents

Shri. V.P. Sawant for the Applicant.
Shri. R.V. Govilkar for the Respondent No.1.
Shri. R.G. Ketkar for the Respondent Nos.2 and 3.

CORAM : A.S. OKA, J.
DATED : JULY 06, 2005.

P.C.:
1. Heard Shri. Sawant, Advocate appearing for the Applicant and Shri. Govilkar appearing for the Respondent no.1. Prayer in this Application is for modification of the direction given by this Court which is incorporated in clause No.(iii)of the operative part of the judgment and order dated 1st April, 2005. The said clause No.(iii) reads thus:

> (iii) The parties are directed to appear before the learned 8th Additional District Judge, Pune on 13th June, 2005 for the fixing the date of hearing.

In paragraph No.2 of Application, the Applicant has contended that "I say and submit that it is learnt that by a Notification of this Hon’ble Court, the assignment of hearing matters under Narcotics, Drugs and Psychotropic Substances Act, has been given to the

learned 8th Additional District Judge. It is further learnt that by an order dated 20th April, 2005 the District Court has withdrawn the Civil Appeals from the assignment of the 8th Additional District Judge except part heard appeals and transferred the same to the Court of Extra Joint District Judge."

2. If there is a direction issued by this Court directing that all Civil matters assigned to the learned 8th Additional District Judge, Pune except part heard Appeals should be transferred to some other Court, the learned District Judge, Pune will give effect to such directions of this Court, if any, by transferring the Appeal subject matter of this Civil Application to an appropriate Court. However, if there is no such direction given by this Court, the direction given by this Court to the learned 8th Additional District to hear and decide appeal afresh will stand. It is obvious that if the appeal in question is required to be transferred by the learned District Judge due to administrative exegencies, the order passed by this Court will not prevent the District Judge from transferring it to another court. Application is disposed of in above terms.

JUDGE